

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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# WILLIAM WARREN BOOTH

Case No. 3:17-cv-00601-MMD-WGC

**Plaintiff,**

WASHOE COUNTY SHERIFF, *et al.*,  
Defendant

**ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
WILLIAM G. COBB**

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 5) ("R&R") relating to Judge Cobb's order giving Plaintiff thirty (30) days to pay the filing fee or file a completed application *in forma pauperis*. (ECF No. 3.) Plaintiff was advised that a failure to do so would result in an order dismissing this action. (*Id.*) Plaintiff had until February 13, 2018, to object to the R&R. To date, no objection to the R&R has been filed.<sup>1</sup>

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

<sup>1</sup>The R&R (ECF No. 5) and the last order entered by the Court (ECF No. 3) that were mailed to Plaintiff were returned as undeliverable. (ECF Nos. 4, 6.)

Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was filed).

12 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
13 determine whether to adopt Magistrate Judge Cobb's Recommendation. The Magistrate  
14 Judge recommends that this action be dismissed without prejudice. Upon reviewing the  
15 Recommendation and the filings in this case, this Court finds good cause to adopt the  
16 Magistrate Judge's Recommendation in full.

17 It is therefore ordered, adjudged and decreed that the Report and  
18 Recommendation of Magistrate Judge William G. Cobb (ECF No. 5) is accepted and  
19 adopted in its entirety.

It is ordered that this action is dismissed without prejudice.

21 The Clerk is instructed to close this case.

22 DATED THIS 27<sup>th</sup> day of February 2018.

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**MIRANDA M. DU**  
**UNITED STATES DISTRICT JUDGE**